

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CASE NO. 0:24-cv-01511-PJS-DTS**

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ENRIQUE SIMON,  
Plaintiff,

Judge Patrick J. Schiltz  
Mag. Judge David T. Schultz

vs.

EQUIFAX INFORMATION SERVICES,  
LLC; EXPERIAN INFORMATION  
SOLUTIONS, INC.; TRANSUNION, LLC  
aka TRANS UNION LLC; and  
NATIONWIDE RECOVERY SERVICE, INC.;  
Defendants.

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**DEFENDANT TRANS UNION, LLC'S ANSWER TO  
PLAINTIFF'S COMPLAINT AND AFFIRMATIVE DEFENSES**

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COMES NOW, Defendant Trans Union LLC ("Trans Union") by and through its counsel of record, and hereby files its Answer and Defenses to Plaintiff's Complaint ("Complaint"). The paragraph numbers below correspond to the paragraphs contained in the Complaint to the extent possible:

**I. INTRODUCTION**

1. As to Paragraph 1 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a

belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

2. As to Paragraph 2 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

3. As to Paragraph 3 of Plaintiff's Complaint, Trans Union admits that it is a "consumer reporting agency" as that term is defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* As Plaintiff's remaining allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

4. As to Paragraph 4 of Plaintiff's Complaint, as Plaintiff's allegations, including the footnote, are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

5. As to Paragraph 5 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

6. As to Paragraph 6 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

7. As to Paragraph 7 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

8. As to Paragraph 8 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations, including the footnote, as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

9. As to Paragraph 9 of Plaintiff's Complaint, Trans Union states that the Fair Credit Reporting Act speaks for itself. To the extent that Plaintiff misquotes or mischaracterizes the language of the Fair Credit Reporting Act, Trans Union denies the allegations as stated. Trans Union states that the remaining allegations of this paragraph are legal conclusions and, so stating, denies them.

10. As to Paragraph 10 of Plaintiff's Complaint, Trans Union states that the Fair Credit Reporting Act speaks for itself. To the extent that Plaintiff misquotes or mischaracterizes the language of the Fair Credit Reporting Act, Trans Union denies the allegations as stated.

11. As to Paragraph 11 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

12. As to Paragraph 12 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these

allegations, including the footnote, as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

13. As to Paragraph 13 of Plaintiff's Complaint, Trans Union denies that it violated the FCRA (or any other law). Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

14. As to Paragraph 14 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

15. As to Paragraph 15 of Plaintiff's Complaint, Trans Union denies that it violated the FCRA (or any other law). Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

16. As to Paragraph 16 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

17. As to Paragraph 17 of Plaintiff's Complaint, Trans Union denies that it violated the FCRA (or any other law). Trans Union denies that Plaintiff is entitled to any damages, costs, fees or other relief from or against Trans Union. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

## **II. STATEMENT OF JURISDICTION AND VENUE**

18. As to Paragraph 18 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

19. As to Paragraph 19 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

20. As to Paragraph 20 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

## **III. PARTIES**

21. As to Paragraph 21 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5). Trans Union states that the remaining allegations of this paragraph are legal conclusions and, so stating, denies them.

22. As to Paragraph 22 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5). Trans Union states that the remaining allegations of this paragraph are legal conclusions and, so stating, denies them.

23. As to Paragraph 23 of Plaintiff's Complaint, Trans Union admits that it is a "consumer reporting agency" as that term is defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* Trans Union admits that it is a Delaware limited liability company with its principal place of business in Chicago, Illinois. Trans Union states that the remaining allegations of this paragraph are legal conclusions and, so stating, denies them.

24. As to Paragraph 24 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5). Trans Union states that the remaining allegations of this paragraph are legal conclusions and, so stating, denies them.

25. As to Paragraph 25 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5). Trans Union states that the remaining allegations of this paragraph are legal conclusions and, so stating, denies them.

26. As to Paragraph 26 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

27. As to Paragraph 27 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

28. As to Paragraph 28 of Plaintiff's Complaint, Trans Union denies that the statements contained in this paragraph require a response from Trans Union.

29. As to Paragraph 29 of Plaintiff's Complaint, Trans Union admits that it is a "consumer reporting agency" as that term is defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* As Plaintiff's remaining allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

30. As to Paragraph 30 of Plaintiff's Complaint, Trans Union admits that it is a "consumer reporting agency" as that term is defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* Trans Union states that the Fair Credit Reporting Act speaks for itself. To the extent that Plaintiff misquotes or mischaracterizes the language of the Fair Credit Reporting Act, Trans Union denies the allegations as stated.

31. As to Paragraph 31 of Plaintiff's Complaint, Trans Union admits that it is a "consumer reporting agency" as that term is defined by the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* Trans Union states that the Fair Credit Reporting Act speaks for itself. To the extent that Plaintiff misquotes or mischaracterizes the language of the Fair Credit Reporting Act, Trans Union denies the allegations as stated.

32. As to Paragraph 32 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.



33. As to Paragraph 33 of Plaintiff's Complaint, Trans Union states that the cited cases speak for themselves. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

34. As to Paragraph 34 of Plaintiff's Complaint, Trans Union states that the cited case speaks for itself. To the extent that Plaintiff misquotes or mischaracterizes the cited case or language of the Fair Credit Reporting Act, Trans Union denies the allegations as stated.

35. As to Paragraph 35 of Plaintiff's Complaint, Trans Union states that the Fair Credit Reporting Act speaks for itself. To the extent that Plaintiff misquotes or mischaracterizes the language of the Fair Credit Reporting Act, Trans Union denies the allegations as stated.

36. As to Paragraph 36 of Plaintiff's Complaint, Trans Union states that the cited cases speak for themselves. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

37. As to Paragraph 37 of Plaintiff's Complaint, Trans Union states that the cited cases speak for themselves. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

38. As to Paragraph 38 of Plaintiff's Complaint, Trans Union states that the cited case speaks for itself. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

39. As to Paragraph 39 of Plaintiff's Complaint, Trans Union states that the cited case speaks for itself. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

40. As to Paragraph 40 of Plaintiff's Complaint, Trans Union states that the cited case speaks for itself. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

41. As to Paragraph 41 of Plaintiff's Complaint, Trans Union states that the cited article speaks for itself. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

42. As to Paragraph 42 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph, including its subparts, are legal conclusions and, so stating, denies them.

43. As to Paragraph 43 of Plaintiff's Complaint, a Trans Union states that the Fair Credit Reporting Act speaks for itself. To the extent that Plaintiff misquotes or mischaracterizes the language of the Fair Credit Reporting Act, Trans Union denies the allegations as stated.

44. As to Paragraph 44 of Plaintiff's Complaint, Trans Union states that the Fair Credit Reporting Act speaks for itself. To the extent that Plaintiff misquotes or mischaracterizes the language of the Fair Credit Reporting Act, Trans Union denies the allegations as stated.

45. As to Paragraph 45 of Plaintiff's Complaint, Trans Union states that the Fair Credit Reporting Act speaks for itself. To the extent that Plaintiff misquotes or

mischaracterizes the language of the Fair Credit Reporting Act, Trans Union denies the allegations as stated.

#### **IV. SPECIFIC FACTUAL ALLEGATIONS**

46. As to Paragraph 46 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

47. As to Paragraph 47 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

48. As to Paragraph 48 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

49. As to Paragraph 49 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

50. As to Paragraph 50 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5).

51. As to Paragraph 51 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5).

52. As to Paragraph 52 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

53. As to Paragraph 53 of Plaintiff's Complaint,a Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a

belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

54. As to Paragraph 54 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5).

55. As to Paragraph 55 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

56. As to Paragraph 56 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

57. As to Paragraph 57 of Plaintiff's Complaint, Trans Union states that the cited article speaks for itself. As Plaintiff's remaining allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that

it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

58. As to Paragraph 58 of Plaintiff's Complaint, Trans Union states that the cited article speaks for itself. As Plaintiff's remaining allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

59. As to Paragraph 59 of Plaintiff's Complaint, Trans Union denies that it violated the FCRA (or any other law). Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

60. As to Paragraph 60 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

61. As to Paragraph 61 of Plaintiff's Complaint, Trans Union denies that it "refuse[s] to perform that statutorily mandated FCRA investigation". As Plaintiff's

remaining allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

62. As to Paragraph 62 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5).

63. As to Paragraph 63 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

64. As to Paragraph 64 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a

belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

65. As to Paragraph 65 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

66. As to Paragraph 66 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

67. As to Paragraph 67 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a



belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

68. As to Paragraph 68 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

69. As to Paragraph 69 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

70. As to Paragraph 70 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

71. As to Paragraph 71 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these

allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

72. As to Paragraph 72 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

73. As to Paragraph 73 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5).

74. As to Paragraph 74 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5).

75. As to Paragraph 75 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5).

76. As to Paragraph 76 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

77. As to Paragraph 77 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

78. As to Paragraph 78 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

79. As to Paragraph 79 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

80. As to Paragraph 80 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

81. As to Paragraph 81 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

82. As to Paragraph 82 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

83. As to Paragraph 83 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

84. As to Paragraph 84 of Plaintiff's Complaint, Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of these allegations, which has the effect of a denial under Rule 8(b)(5).

85. As to Paragraph 85 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as

they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

86. As to Paragraph 86 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

87. As to Paragraph 87 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

88. As to Paragraph 88 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

89. As to Paragraph 89 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

90. As to Paragraph 90 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

91. As to Paragraph 91 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

92. As to Paragraph 92 of Plaintiff's Complaint, Trans Union states that the cited case speaks for itself. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

93. As to Paragraph 93 of Plaintiff's Complaint, Trans Union states that the cited case speaks for itself. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

94. As to Paragraph 94 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

95. As to Paragraph 95 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule

8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

96. As to Paragraph 96 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

97. As to Paragraph 97 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

98. As to Paragraph 98 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a

belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5). Trans Union states that the remaining allegations of this paragraph are legal conclusions and, so stating, denies them.

99. As to Paragraph 99 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

100. As to Paragraph 100 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

101. As to Paragraph 101 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a



belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

102. As to Paragraph 102 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

103. As to Paragraph 103 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

104. As to Paragraph 104 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a

belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

105. As to Paragraph 105 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

106. As to Paragraph 106 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

107. As to Paragraph 107 of Plaintiff's Complaint, Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

108. As to Paragraph 108 of Plaintiff's Complaint, Trans Union states that the cited cases speak for themselves. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

109. As to Paragraph 109 of Plaintiff's Complaint, Trans Union states that the cited cases speak for themselves. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

110. As to Paragraph 110 of Plaintiff's Complaint, Trans Union states that the cited cases speak for themselves. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

111. As to Paragraph 111 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

112. As to Paragraph 112 of Plaintiff's Complaint, Trans Union states that the cited Consent Order speaks for itself. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

113. As to Paragraph 113 of Plaintiff's Complaint, Trans Union states that the cited Consent Order speaks for itself. Trans Union states that the allegations of this paragraph are legal conclusions and, so stating, denies them.

114. As to Paragraph 114 of Plaintiff's Complaint, Trans Union states that the cited report speaks for itself. Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to

Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

115. As to Paragraph 115 of Plaintiff's Complaint, Trans Union states that the cited report speaks for itself. Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

116. As to Paragraph 116 of Plaintiff's Complaint, Trans Union states that the cited report speaks for itself. Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

117. As to Paragraph 117 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

118. As to Paragraph 118 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the

remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

119. As to Paragraph 119 of Plaintiff's Complaint, Trans Union states that the cited report speaks for itself. As Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

120. As to Paragraph 120 of Plaintiff's Complaint, as Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

121. As to Paragraph 121 of Plaintiff's Complaint, Trans Union states that the cited article speaks for itself. As Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that

it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

122. As to Paragraph 122 of Plaintiff's Complaint, Trans Union states that the cited comments speak for themselves. As Plaintiff's allegations are stated and absent a proper definition of the terms employed, Trans Union states that it lacks knowledge or information at this time sufficient to form a belief about the truth of these allegations as they apply to Trans Union, which has the effect of a denial under Rule 8(b)(5). Trans Union states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations, which has the effect of a denial under Rule 8(b)(5).

123. As to Paragraph 123 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

## **V. CLAIMS**

### **FIRST COUNT**

#### **Willful Noncompliance with the FCRA (Against All Parties)**

124. As to Paragraph 124 of Plaintiff's Complaint, Trans Union reasserts its answers and responses set forth herein.

125. As to Paragraph 125 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph, including its subparts, as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response

from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

126. As to Paragraph 126 of Plaintiff's Complaint, Trans Union denies that the statements contained in this paragraph require a response from Trans Union.

127. As to Paragraph 127 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

**SECOND COUNT**  
**Negligent Noncompliance with the FCRA**  
**(Against All Defendants)**

128. As to Paragraph 128 of Plaintiff's Complaint, Trans Union reasserts its answers and responses set forth herein.

129. As to Paragraph 129 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph, including its subparts, as they apply to Trans Union. Trans Union denies that the remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

130. As to Paragraph 130 of Plaintiff's Complaint, Trans Union denies that the statements contained in this paragraph require a response from Trans Union.

131. As to Paragraph 131 of Plaintiff's Complaint, Trans Union denies the allegations of this paragraph as they apply to Trans Union. Trans Union denies that the

remaining statements contained in this paragraph require a response from Trans Union as they do not constitute allegations asserted against it, pursuant to Rule 8(b)(1)(B), and thus are considered denied or avoided under Rule 8(b)(6).

**THIRD COUNT**  
**Violation of Fair Debt Collection Practices Act**  
**(Against Nationwide)**

132. As to Paragraph 132 of Plaintiff's Complaint, Trans Union reasserts its answers and responses set forth herein.

133. As to Paragraph 133 of Plaintiff's Complaint, Trans Union denies that the statements contained in this paragraph require a response from Trans Union.

134. As to Paragraph 134 of Plaintiff's Complaint, Trans Union denies that the statements contained in this paragraph require a response from Trans Union.

**VI. JURY DEMAND**

Trans Union denies that the statements contained in this paragraph require a response from Trans Union.

**VII. PRAYER FOR RELIEF**

Trans Union denies that Plaintiff is entitled to any damages, costs, fees or other relief from or against Trans Union.

**DENIAL OF ANY REMAINING ALLEGATIONS**

Except as expressly admitted herein, Trans Union denies any remaining allegations contained in the Complaint.



### **AFFIRMATIVE DEFENSES**

1. At all relevant times, Trans Union maintained and followed reasonable procedures to avoid violations of the FCRA and assure maximum possible accuracy of the information concerning Plaintiff in preparing consumer reports related to Plaintiff.

2. Any alleged damages to Plaintiff, which Trans Union continues to deny, are the result of the acts or omissions of Plaintiff or others, over whom Trans Union has no control and for whom Trans Union has no responsibility.

3. Trans Union, in compliance with the FCRA, reasonably and completely reinvestigated and verified, updated, or removed all information disputed by Plaintiff.

4. Trans Union at all times acted in compliance with the FCRA.

5. Trans Union has not published any false, inaccurate or defamatory information to a third-party regarding Plaintiff and has not acted with negligence, malice, actual malice, or willful intent to injure.

6. Some or all of Plaintiff's claims against Trans Union are barred by the applicable statute of limitations.

7. Plaintiff failed to mitigate his alleged damages.

8. Plaintiff's claims for exemplary or punitive damages and the FCRA damage model violate the Due Process Clause of the Fourteenth Amendment and the laws of the State of Minnesota.

9. Trans Union affirmatively pleads that it is entitled to attorney's fees in the event that the Court determines that the Plaintiff has filed an unsuccessful pleading, motion,

or other paper in connection with this action under Section 1681n or 1681o of the FCRA in bad faith or for purposes of harassment.

10. In the event that a settlement is reached between Plaintiff and any other party, Defendant Trans Union is entitled to any settlement credits permitted by law.

11. Any alleged damages to Plaintiff, which Trans Union continues to deny, were caused in whole or in part by an intervening or superseding cause.

12. Plaintiff lacks standing to assert the claims alleged in this action against Trans Union.

13. In the interest of justice, Trans Union may seek to transfer this matter pursuant to 28 U.S.C. § 1404, as this Court is not the most convenient venue for the parties and witnesses.

WHEREFORE, Defendant Trans Union, respectfully requests that this Honorable Court deny the relief requested in Plaintiff's Complaint, dismiss the action in its entirety, grant Trans Union its costs of suit and expenses incurred herein, including reasonable attorneys' fees, and for such other and further relief as the Court deems just.

Respectfully submitted,

Date: 4/30/2024

s/ Bradley D. Fisher

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*Local Counsel for Defendant TransUnion, LLC*